

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN FLOWERS,
Plaintiff,
v.
ISIDRO BACA et al.,
Defendant

3:14-cv-366-RCJ-WGC

ORDER

13 This is a prisoner civil rights complaint pursuant to 42 U.S.C. § 1983. In September 2014,
14 the Court dismissed the Complaint on screening. In the first claim, Plaintiff alleged he was
15 convicted in state court while being forced to take psychoactive drugs that rendered him
16 incompetent. The Court dismissed that claim, because it sounded in habeas corpus. In the second
17 claim, Plaintiff alleged that while in prison, Defendants failed to warn him of the risk of developing
18 Type II diabetes from one of those drugs. The Court dismissed that claim, because it was a
19 disagreement over medical treatment that was not cognizable under the Eighth Amendment. In the
20 third claim, Plaintiff alleged Defendants failed to inform him of a class action against the
21 manufacturer of the unsafe drug. The Court dismissed that claim, because Defendants had no duty to
22 monitor Plaintiff's civil legal interests. Plaintiff appealed as to the second and third claims, and the
23 Court of Appeals ruled in November 2016 that the Plaintiff should be given leave to amend those
24 claims. Plaintiff has not yet done so, however. The Court hereby sets a deadline to file an amended
25 complaint.

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CONCLUSION

2 IT IS HEREBY ORDERED that an amended complaint curing the deficiencies of the
3 Complaint is due within twenty-eight (28) days from the date of entry of this Order. Plaintiff is
4 advised that the amended complaint will supersede the original Complaint and therefore must be
5 complete in itself. Plaintiff has leave to amend only the second and third claims of the original
6 Complaint and may not add claims without further leave. If Plaintiff files an amended complaint, he
7 must use the approved form and write the words "First Amended" above the words "Civil Rights
8 Complaint" in the caption. If Plaintiff does not timely file an amended complaint, the Court will
9 dismiss for failure to prosecute without further notice.

10 IT IS FURTHER ORDERED that the Clerk shall send Plaintiff the approved form for filing a
11 § 1983 complaint, instructions, and a copy of the original Complaint (ECF No. 6).

12 IT IS FURTHER ORDERED that the case is removed from the Pilot Pro Bono Program and
13 shall proceed on the normal litigation track.

14 || IT IS SO ORDERED.

15 Dated this 11th day of January, 2018.

ROBERT C. JONES
United States District Judge